

1952

Speeches/Documents

Title: Report on Reform and Reorganization of the People's Courts (extract).

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Source:.

Description:. Although people's courts were widely established throughout China in 1949-1950 to protect the "revolutionary legal order," practical circumstances obliged the new regime to continue the judicial functionaries of the KMT in its own employ. Shih Liang, the Minister of Justice, alluded to this situation in reporting on judicial reform and reorganization to the GAC on August 13, 1952. After observing that "a number of people's courts had failed actively to serve the central political tasks of the State," largely because of the "impure" character of the judicial personnel inherited from the KMT, she proposed the following steps as the basis of a reform movement. Her proposals, accepted by the GAC, acquired the force of a directive. Texts NCNA, Peking, August 22, 1952.

It is both necessary and opportune to raise now the question of the thorough reform and reorganization of all grades of people's courts along with the consolidation and deepening of the 3-Anti movement. With a view to carrying out this reform, so that all grades of people's courts will be enabled to preserve and enhance their political, organizational and ideological purity, we propose the following views:

We must first of all reshuffle and dispose of the responsible cadres, from top to bottom, who have already degenerated, displayed bad working style, or persisted in the old judicial viewpoints, At the same time, we must eliminate from the judicial departments the unworthy elements among the retained [from the KMT] judicial personnel. In principle, retained judicial personnel who have not been thoroughly reformed and undergone severe tests should not be permitted to act as judges. We should deal with them separately with a stern and careful attitude according to the circumstances of each case. Counterrevolutionary and law breaking elements should be punished according to law. Elements whose evil habits are too deep rooted to be reformed should be resolutely transferred from the people's courts to other work to make their living. Elements whom it is still possible to educate and reform should be trained for a change of trade, or transferred to jobs of a technical or routine nature in the people's courts. Progressive elements with good ideological and working records may be retained for continued service, but old-time judges and prosecutors retained for continued service should, in principle, be transferred away from their original courts. As to the underground revolutionary workers in the old courts, and those revolutionaries who took part in revolutionary struggles and democratic movements--naturally, these should not be treated as retained judicial personnel. Similarly, those who only studied the old judicial laws but did not take part in the old judicial work should not be treated as retained judicial personnel.

1. The various grades of people's courts must be supplied with necessary cadres. First of all, different level of people's governments should be asked to transfer some veteran cadres whose stand is firm, whose viewpoint is correct and who are well-acquainted with government policies--to serve as backbone. Particular attention should, be paid to the bold promotion to important posts of activists among the cadres of people's courts who have proved themselves to be firm in maintaining the class standpoint and who were hard workers during the 3-Anti and 5-Anti campaigns and during their previous work.

Next, the people's courts should be complemented and strengthened by a group of elites supplied from the cadres of the people's tribunals, from revolutionary servicemen assigned to construction work, from workers', peasants', youth and women's organizations.

So that the state machinery of the people's democratic dictatorship may be strengthened, the distribution of cadres should be based on the principle: "Rather too few than no good." Simultaneously, and apart from the expansion of the Central Political and Legal Cadres School [established by the GAC on July 20, 1951], the administrative regions will have to arrange speedily for the establishment of political and legal cadres schools to train cadres, and the provinces and municipalities will have to continue opening classes for training judicial personnel so that groups of cadres may be trained to complement the staffs of the different grades of people's courts.

2. The thorough reform and reorganization of the different levels of people's courts is an important measure for consolidating the people's democratic dictatorship and ensuring the economic construction of the State. This is not only a question of reshuffling personnel within the people's courts, but also a question of clearing away the remnant reactionary judicial ideas and working styles of the KMT. For this reason, it is necessary to begin—by mobilizing the masses from top to bottom in a planned and systematic manner—a campaign to oppose the old judicial viewpoints and to reform the judicial organs as a whole....

The experiences of the people's courts, and particularly the rich store of experience of the people's tribunals, should be seriously reviewed in order to improve the work and methods of the people's courts. We must also conduct systematic propaganda-education on the ideas of law and the State in Marxism-Leninism and the Thought of Mao Tse-tung, in order to raise the quality of the cadres and educate the masses. Only thus will it be possible for the people's judicial organs to become a genuinely powerful weapon of the people's democratic dictatorship.

of the 104 judges in Shanghai People's Court, retained judicial personnel number 80; of the 120 judges in Tientsin People's Court, retained judicial personnel number 97; of the 26 judges in 8 chu people's courts in Mukden, retained judicial personnel number 23; of the 16 judges in Central-South Branch of the Supreme People's Court, 13 are retained judicial personnel. In some areas that were liberated late, the people's courts are basically the old ones. . . .

According to the statistics of Wuhan Municipal People's Court, Canton Municipal People's Court, Kwangtung Provincial People's Court, Kiangsi Provincial People's Court, and all peoples' courts in Kwangsi Province, elements of reactionary parties and groups and special service agents constitute 64 per cent of the total number of retained judicial personnel. Elements of reactionary parties and groups and special service agents constitute 83 per cent of the total number of retained judicial personnel in Taiyuan Municipal People's Court.

Remarks

It was primarily aimed at: 1. Cleaning up of undisciplined elements and judicial personnel responsible for corruption, misapplication of law; and 2. eradication of the old legal ideas of judicial personnel. She claimed that the corruption was exposed as a result of the three and five anti-movements. The serious phenomena were the four aids and the five failures. By four aids is meant aiding the antirevolutionaries to harm the people, aiding the feudalistic landlords to oppress the farmers, aiding the illegal property classes to destroy the state economic reconstruction work and oppressing the laborers, and aiding all the law-breakers to white-wash their guilts. By five failures is meant the failure to receive complaints of the laborers, failure to summon, failure to interrogate, failure to sentence, and failure to enforce on the part of the judicial personnel. She concluded that the reason for the failure is largely due to some of the Communist cadres responsible for leading the people's courts were not sufficiently acquainted with the substance of the law. As a result, they blindly

employed judicial personnel of the old regime without reform and let old judicial ideas grow and dominate. Some even let them take apprentice and became captives of them.